

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DB HOME DESIGNS, LLC,

Plaintiff,

-against-

MATTHEW WILHELM et al.,

Defendants.

ORDER

23-CV-11307 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared for an in-person pretrial conference on June 5, 2025. For the reasons set forth on the record, the four branches of Plaintiff's motion *in limine* (Doc. 71) are GRANTED IN PART AND DENIED IN PART and Defendants' motions *in limine* (Doc. 67 and 72) are GRANTED IN PART AND DENIED IN PART as stated. For the reasons set forth on the record, Plaintiff's motion to seal/redact (Doc. 93) is GRANTED, Defendants' letter motion to bifurcate the trial (Doc. 97) is DENIED, and Defendants' letter motion for relief pursuant to 12(c) (Doc. 98) is DENIED.

As explained more fully on the record during the appearance, the Court directs as follows:

1. The parties shall meet and confer regarding the Court's directives and instructions regarding changes to the Joint Pretrial Order and file, by July 15, 2025, an amended Proposed Joint Pretrial Order.
2. In light of the record during the appearance, Plaintiff shall evaluate its claims and file, by June 16, 2025, a letter to the Court informing whether, and to what extent, it reconsiders dropping any of its claims.
3. In light of the Court's ruling on the fourth branch of Plaintiff's motion *in limine* that Plaintiff is entitled to attorneys' fees and costs reasonably incurred by Plaintiff in the

preparation of that branch of the motion, Plaintiff shall submit documentation as necessary to evidence its recoverable reasonable fees and costs, no later than June 19, 2025, including time and expense records. Defendant Hendricks may file a response, limited only to the reasonableness of the amount of Plaintiff's recoverable fees and costs, no later than July 3, 2025. There will be no reply.

4. The Court issued initial rulings which denied certain of the parties' proposed *Voir Dire* questions. The Court, at the next pretrial conference, will circulate the proposed *Voir Dire* Questionnaire for review.
5. The parties shall meet and confer regarding changes to the proposed Verdict Sheet and file, by July 15, 2025, a revised joint proposed Verdict Sheet.
6. The parties shall meet and confer regarding objections in the Proposed Jury Instructions and file, by July 15, 2025, amended Proposed Jury Instructions.
7. The parties shall review their Exhibit Lists, and as necessary, file, by July 15, 2025, amended Exhibit Lists. The Court reminds the parties that no additional exhibits may be added at this time, and no additional objections may be included – however, in accordance with the record during the appearance, the Court allows and encourages the parties to *remove* exhibits and objections as necessary.
8. All of the revised pretrial materials must be filed via ECF and simultaneously e-mailed, in Word format, to Chambers e-mail.
9. The next pretrial conference has been scheduled for July 21, 2025 at 2:30 p.m.
10. As explained on the record, and by consent of the parties, an Order of Reference for settlement purposes to Magistrate Judge Reznik will be docketed separately.

11. The parties are on five days' trial notice. The Court will revisit setting a trial date at the next pretrial conference. The parties are further directed, by July 15, 2025, to file a joint letter advising the Court of their trial availability through September 30, 2025.

See Transcript.

The Clerk of the Court is respectfully directed to terminate the motion sequences pending at Doc. 67, 71, 72, 93, 97, and 98.

SO ORDERED:

Dated: White Plains, New York
June 5, 2025


Philip M. Halpern
United States District Judge